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Cooperation between the United Nations and regional and other organizations

Cooperation between the United Nations and the Asian-African Legal Consultative Organization

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 55/4, reviews the activities of the Asian African Legal Consultative Organization, focusing on its relations with the United Nations system in the biennium 2000-2001 against the backdrop of initiatives and programmes commenced in earlier years of cooperation between the organization and the United Nations. In particular, it addresses the various initiatives and programmes on different aspects of international law as well as on economic, social and environmental matters undertaken towards strengthening the role of the United Nations and its organs.

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Introduction

1. The present report is submitted pursuant to paragraph 6 of General Assembly resolution 55/4 of 25 October 2000, entitled "Cooperation between the United Nations and the Asian African Legal Consultative Committee".

2. The General Assembly, by its resolution 35/2 of 13 October 1980, had requested the Secretary-General to invite the Asian-African Legal Consultative Committee (AALCC)* to participate in its sessions and its work in the capacity of observer. Subsequently, AALCO had established permanent observer missions to the United Nations, in New York and Vienna.

3. On the occasion of the commemoration of the twenty-fifth anniversary of AALCO, the General Assembly, in its resolution 36/38 of 18 November 1981, had requested the Secretary-General of the United Nations to carry out consultations with the Secretary-General of AALCO with a view to further strengthening the cooperation between the two organizations and widening its scope. The item had been considered by the General Assembly annually until its forty-first session and thereafter biennially. It was most recently considered at the fifty-fifth session.

4. At that session, in its resolution 55/4 of 25 October 2000, the General Assembly had noted with satisfaction the continuing efforts of AALCO towards strengthening the role of the United Nations and its various organs, including the International Court of Justice, through programmes and initiatives undertaken by AALCO. It had also noted with satisfaction the commendable progress achieved towards enhancing cooperation between the United Nations and AALCO in wider areas. The General Assembly had furthermore noted with appreciation the decision of AALCO to participate actively in the programmes of the United Nations Decade of International Law and programmes on environment and sustainable development as well as in the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. Moreover, the Assembly had noted with appreciation the initiative and efforts AALCO would undertake to promote the objectives and principles set out in the United Nations Millennium Declaration,[1] including wider acceptance of multilateral treaties deposited with the Secretary General.

A. Cooperative framework

5. Pursuant to the cooperation framework agreed upon by the two organizations, consultations have been routinely conducted on matters of common interest, in particular, regarding representation at meetings and sessions, exchange of documentation and information and the identification of areas where the supportive role of AALCO could be most productive. During the period under review, covering the fifty-fifth and fifty-sixth sessions of the General Assembly, consultations were held between the Secretary-General of AALCO and the Legal Counsel of the United Nations.

6. AALCO continues to orient its work programme so as to accord priority to matters of interest to the United Nations and to initiate action with a view to strengthening the role of the United Nations. The areas of cooperation, apart from the field of international law, now include matters relating to economic, environmental and humanitarian law aspects and the peaceful settlement of disputes.

B. Representation at meetings and conferences

7. During the period under review, AALCO was represented at the fifty-fifth and fifty-sixth sessions of the General Assembly.

8. Other meetings at which AALCO was represented included the fifty-second and fifty-third sessions of the International Law Commission, held in 2000 and 2001 respectively; the thirty-third (2000) and thirty-fourth (2001) sessions of the United Nations Commission on International Trade Law (UNCITRAL); sessions of the Preparatory Commission for the International Criminal Court; and the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime.

9. Representatives of various United Nations bodies participated in the fortieth session of AALCO, including International Law Commission (ILC); Office

* Following a decision taken at the Asian-African Legal Consultative Committee's (AALCC) 40th session with effect from 24 June 2001, its name has been changed to "Asian-African Legal Consultative Organization" (AALCO). Consequently, the new name appears throughout the entire report.

of the United Nations High Commissioner for Refugees (UNHCR); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations Industrial Development Organization (UNIDO); Office of the United Nations High Commissioner for Human Rights (OHCHR); and United Nations University (UNU).

C. Strengthening the role of the United Nations and the United Nations Decade of International Law

10. The activities of AALCO during the United Nations Decade of International Law remained as reflected in the 2000 report (A/55/221, paras. 10-16).

D. Measures designed to further the work of the Sixth Committee of the General Assembly

11. In fulfilment of its function of rendering assistance to its member States and with a view to facilitating their active participation in the work of the General Assembly, AALCO continued to prepare on a regular basis notes and comments on selected items on the agenda of the General Assembly, more particularly items under consideration by the Sixth Committee.

12. During the period under review, consultations were arranged during the General Assembly sessions between the representatives of AALCO member States and other interested States for exchange of views on matters of common interest.

13. During the fifty-fifth session of the General Assembly, AALCO convened a meeting of legal advisers which was attended by most legal advisers participating in the work of the session. Besides AALCO member States, participants included the Chairman of the Sixth Committee, the Chairman of the International Law Commission and the Chairman of the Sixth Committee Working Group on Jurisdiction Immunities of States and their Property. The report of the Chairman of the Working Group containing suggestions to narrow down differences on the identified five outstanding substantive issues was discussed by the meeting of legal advisers. As noted in the 2000 report (A/55/221, para. 20), the item "Jurisdictional immunities of States and their properties" was included in the agenda of AALCO at its thirty-ninth session (Cairo, 2000).

14. During the fifty-sixth session of the General Assembly, AALCO convened another meeting of legal advisers. The topics considered included the current efforts of the General Assembly to elaborate a comprehensive convention on international terrorism; and the suppression of corruption.

E. Measures for promotion of the ratification and implementation of the United Nations Convention on the Law of the Sea

15. AALCO continues to closely monitor the work and functioning of the International Tribunal for the Law of the Sea, the International Seabed Authority and other related organs.

16. At its fortieth session (New Delhi, 2001), AALCO took note of the adoption of the Regulations on Prospecting and Exploration of Polymetallic Nodules in the Area,[2] and the efforts of the Secretary-General of the International Seabed Authority to conclude contracts with the registered pioneer investors. It welcomed the active role being played by the International Tribunal for the Law of the Sea in the peaceful settlement of disputes with regard to ocean-related matters. It also took note of the establishment of the United Nations Open-ended Informal Consultative Process by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs. It urged the full and effective participation of member States in the work of the International Seabed Authority and other related bodies established by the Convention on the Law of the Sea so as to ensure and safeguard the legitimate interests of developing and least developed countries.

F. International economic cooperation for development

17. During the period under review, AALCO continued to monitor the progress of the work of UNCITRAL. The secretariat prepared notes and comments on the work of UNCITRAL at its thirty-second and thirty-third sessions. While commending UNCITRAL for its successful completion of the work

relating to the Legislative Guide on Privately Financed Infrastructure Projects, AALCO also urged its member States to consider adopting, ratifying or acceding to other texts prepared by UNCITRAL.

18. The AALCO secretariat prepared progress reports covering the legislative activities of the United Nations and other international organizations involved in the development of international trade law and related matters for consideration at the fortieth session of the organization.

19. AALCO also continued to be actively engaged in monitoring the work and functioning of the World Trade Organization and the World Intellectual Property Organization.

G. Question of refugees

20. AALCO has been actively engaged in the study of refugee law and has been working in close cooperation with UNHCR for that purpose. During the period under review, as a follow-up to the 1996 Manila seminar, which recommended that the text of the Bangkok Principles on the Status and Treatment of Refugees and the two addenda thereto of 1970 and 1987 be revised and updated in the light of the experience and developments over the years, the 1998 Tehran meeting of experts and subsequent sessions of AALCO, the Working Group of interested member States (see A/55/221, paras. 31-33) submitted its report for consideration and final adoption at the fortieth session of AALCO. By resolution 40/3, adopted at that session, AALCO approved the revised text of the Bangkok Principles.

21. Given the long-standing working relationship between AALCO and UNHCR, it was considered necessary that the relationship should be institutionalized and placed on a more formal footing. Accordingly, a Memorandum of Understanding between the two organizations was signed on 23 May 2002, during the visit to India of the United Nations High Commissioner for Refugees, Ruud Lubbers. The Memorandum of Understanding provides for the exchange of documents, mutual representation and the organization of joint meetings. On that occasion, the Secretary-General of AALCO recalled the close cooperation that existed between AALCO and UNHCR and gave assurances that the organization would be a valuable partner of UNHCR in finding durable solutions to refugee problems. He also said that AALCO would continue to be a forum for the discussion of issues relating to refugees, forced displacement, and the protection of refugee women and children in the Asian and African regions.

H. Other issues before the organization

1. Environment and development

22. Legal issues concerning environment and development have been included in the agenda of AALCO for over three decades and the organization actively participated in the 1992 United Nations Conference on Environment and Development at Rio de Janeiro. During the period under review, the activities in the work programme of AALCO have remained primarily as described in the previous report (A/55/221, paras. 34 and 35). Thus the organization has focused on issues concerning the implementation of Agenda 21 in general and the three related conventions, namely, the United Nations Framework Convention on Climate Change; the Convention on Biological Diversity; and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa. In addition, following the decision of the General Assembly to convene the World Summit on Sustainable Development in Johannesburg, South Africa, from 26 August to 4 September 2002, AALCO, during its forthcoming forty-first session (Abuja, July 2002), would consider ways and means of ensuring meaningful participation of the States members of AALCO in the Summit process.

2. Extraterritorial application of national legislation: sanctions imposed against third parties

23. During the period under review, under the agenda item entitled "Extraterritorial application of national legislation: sanctions imposed against third parties", the AALCO secretariat was requested to continue to study the legal aspects relating to the item and also to examine the issue of executive orders imposing sanctions against target States. Moreover, member States have been urged to provide relevant information and materials to the secretariat. The secretariat continues to study the legal aspects of the issue.

3. Deportation of Palestinians and other Israeli practices, among them the massive immigration and settlement of Jews in all occupied territories in violation of international law, particularly the Fourth Geneva Convention of 1949

24. Concerning the item "Deportation of Palestinians and other Israeli practices, among them the massive immigration and settlement of Jews in all occupied territories in violation of international law, particularly the Fourth Geneva Convention of 1949", which has been on the agenda of AALCO since 1989, the AALCO secretariat paper submitted at the 2000 Cairo session called for implementation of the General Assembly and Security Council resolutions on the subject as well as other agreements signed between the various parties to ensure the establishment of just and lasting peace in the Middle East region.

4. The establishment of cooperation against trafficking in women and children

25. AALCO considered the item for the first time at its fortieth session. Among the issues discussed were: (a) the role of law enforcement in combating trafficking in women and children; (b) prosecutorial strategies; (c) model legislation and international agreements; (d) intelligence-sharing and (e) effective resource utilization and initiatives. In the resolution adopted on the item, AALCO member States were urged to consider signing and ratifying the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[3] The secretariat is compiling national legislation and other relevant information with a view to preparing a study on the question. To date the secretariat has received information on national legislation and comments from 17 member States: China, Cyprus, Egypt, Ghana, Japan, Lebanon, Malaysia, Mauritius, Nepal, Oman, Philippines, Qatar, Singapore, Sudan, Syrian Arab Republic, United Arab Emirates and United Republic of Tanzania.

5. Legal protection of migrant workers

26. In connection with the item entitled "Legal protection of migrant workers", which has been included in the agenda of AALCO since 1996, the secretariat, at the thirty-sixth session (1997), was directed to study the utility of drafting model legislation for the protection of the rights of migrant workers, as envisaged in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the relevant General Assembly resolutions. A preliminary framework for the model legislation was presented for the consideration of the member States at the thirty-seventh and thirty-eighth sessions of AALCO.

27. In addition, a one-day special meeting, jointly organized by AALCO and the International Organization for Migration (IOM), was held in conjunction with the fortieth session of AALCO. In the relevant resolution adopted at the session, the secretariat was directed to explore the feasibility of drafting a model agreement for cooperation among member States on issues related to migrant workers. In partial fulfilment of that mandate, the AALCO secretariat, in cooperation with IOM, has prepared a draft Model Regional Cooperation Agreement between States of Origin and States of Destination/Employment for purposes of collaboration in matters relating to the migrant workers. The draft is to be considered at the forty-first session in July 2002. A Cooperation Agreement between AALCO and IOM was signed at New Delhi on 6 October 2001, on the occasion of the visit of the IOM Director-General.

6. International terrorism

28. The item was first included in the agenda of AALCO at its fortieth session. The discussions focused on the progress of the ongoing negotiations at the United Nations on the elaboration of a comprehensive convention against international terrorism in the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. In the resolution adopted by AALCO on the item, the secretariat was directed to continue to monitor and report on the progress of the work in the Ad Hoc Committee. The secretariat has prepared a study on the topic for consideration at the forty-first session.

7. Follow-up on the work of the Preparatory Commission for the International Criminal Court concerning some aspects of the Rome Statute

29. Following the adoption by the United Nations Diplomatic Conference of Plenipotentiaries of the Rome Statute of the International Criminal Court in

July 1998, AALCO directed its secretariat to monitor and report on developments in the sessions of the Preparatory Commission for the International Criminal Court convened pursuant to resolution F adopted by the Rome Conference. At the thirty-ninth and fortieth sessions of AALCO, the secretariat reported on the work of the first to seventh sessions of the Preparatory Commission (February 1999-March 2001).

8. An effective international legal instrument against corruption

30. Since issues concerning corruption at both national and international levels have assumed greater importance, in recent years, the Secretary-General of AALCO, pursuant to article 4 (d) of the AALCO statutes, has proposed this item for inclusion in the agenda of the forty-first session. In that connection, the AALCO secretariat has prepared a report monitoring the progress of work in the Ad Hoc Committee for the Negotiation of a Convention against Corruption, established pursuant to General Assembly resolution 55/61, which was mandated to commence negotiations on an effective international legal instrument against corruption as soon as the draft terms of reference for such negotiation were adopted.

9. Cooperation between the organization and the United Nations in the field of human rights

31. Since its inception, AALCO has considered many questions having a human rights dimension, including refugees, internally displaced persons, the deportation of Palestinians in violation of international law, the legal protection of migrant workers and, most recently, the establishment of cooperation against trafficking in women and children.

32. During the period under review, a representative of OHCHR participated in the fortieth session of the organization and the Secretary-General of AALCO attended the 2001 World Conference against Racism, Xenophobia and Related Intolerance. On 12 November 2001, AALCO and OHCHR signed a Memorandum of Understanding with a view to developing a programme of concrete cooperation. On that occasion, the Secretary-General of AALCO expressed the hope that the Memorandum of Understanding would mark a new era of activities in the organization related to the promotion of human rights and fundamental freedoms.

33. He added that many States members of AALCO were concerned with various issues related to human rights and emphasized that it was an important subject in international law and that AALCO as a consultative body would deal with it in the best possible way to assist its member States.

34. For her part, the United Nations High Commissioner for Human Rights, Mary Robinson, observed that AALCO, with its deep insight into legal issues concerning Asia and Africa, could assist OHCHR in gaining a better understanding of the human rights needs of States and in responding to them. The organization could also become a partner of OHCHR in grappling with the complexity of those regional legal developments having a human rights impact or significance.

35. As an outcome of the Memorandum of Understanding, a one-day special meeting on human rights and terrorism is expected to be held in conjunction with the forty-first session of AALCO in July 2002.

10. Centre for Research and Training

36. During the fortieth session, bearing in mind the growing importance of research and training, at the request of the member States, AALCO renamed its Data Collection Unit the Centre for Research and Training, with a view to enhancing the exchange of information between AALCO, the United Nations and related agencies as well as other related international organizations.

11. Cooperation between AALCO and the United Nations University

37. To give a new impetus to the Centre, among other goals, the AALCO Secretary-General during his visit to Tokyo in 2001 met and had fruitful discussions with officials of UNU. Subsequently, the University participated in the fortieth session of AALCO and further consultations were held in Geneva with Chusei Yamada, a member of the UNU Governing Council. Those consultations facilitated the signing of a General Agreement on Cooperation between AALCO and UNU on 8 February 2002, on the occasion of the visit to New Delhi of Hans van Ginkel, Rector of the United Nations University. The conclusion of the Agreement marked another important milestone in the efforts of the organization towards strengthening its cooperation with

the United Nations, its organs and agencies. The Agreement provides for cooperation between AALCO and United Nations University in areas of mutual interest, such as human rights and human security issues, multilateral diplomacy and multilateral environmental agreements. Such cooperation would include mutual support of research, training programmes and capacity-building activities between Asian and African States. AALCO and UNU plan to organize joint seminars and workshops and to hold consultations on the execution of specific projects.

Notes

[1] General Assembly resolution 55/2.

[2] ISBA/6/A/18.

[3] General Assembly resolution 55/25, annexes I and II.